

THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT ALABAMA
EASTERN DIVISION

**MEREDITH CHADWICK RAY and
PHILLIP RAY**

Plaintiffs,

V.

CASE NO.: 3:07-CV-175-WHA

**FORD MOTOR COMPANY,
PONTIAC COIL, INC., VISTEON
CORPORATION, et al.**

Defendants.

DEFENDANT'S MOTION TO AMEND SCHEDULING ORDER

COMES NOW, Defendant, Visteon Corporation, by and through its counsel of record and files this Motion to Amend the Scheduling Order. As grounds in support thereof, the Defendant would show unto the Court as follows:

1. Defendants' counsel reviewed the parties planning meeting, did not immediately note that the Report called for a deadline of January 30, 2008 for the plaintiff to add a party or amend the complaint and the same deadline for the defendants to amend pleadings.

2. Recent evidence including the deposition testimony by Pontiac Coil representative Ken George indicates that there may be at least one additional indispensable party defendant that should be added to properly adjudicate this matter.

2. Not realizing that Ford's counsel had already sent a copy of the parties' Report to the Court, Visteon's defense counsel emailed all other counsel to propose a change in the Report to reflect a deadline for adding parties of April 21, 2008 - the date that the Statute of Limitations

will expire. Counsel for Ford and Plaintiff's counsel responded and agreed. No other counsel objected and Counsel for Visteon made the change and began circulation of Report for signature.

3. While the unopposed change was being circulated, this morning the Court entered the Uniform Scheduling Order stating in Section 4. "Motions to Amend the pleadings and to add parties shall be filed by the plaintiff, on or before January 30, 2008 and by the defendants, on or before January 30, 2008." As noted by the court that deadline has passed.

4. The Statute of Limitations for this cause ends on April 21, 2008 and the parties seek to amend the Scheduling Order to allow the defendants and the plaintiff to amend their respective pleadings and/or add a party on or before April 21, 2008.

5. None of the parties will be prejudiced by this change and the change will in fact allow the parties to ensure that all necessary parties have been brought into this case so that this case can be effectively and efficiently litigated.

WHEREFORE, PREMISES CONSIDERED, Defendant Visteon Corporation respectfully requests this Court amend the Uniform Scheduling Order to reflect that the parties must file Motions to Amend the pleadings and/or add additional parties on or before April 21, 2008.

Respectfully Submitted,

/s/ Irene E. Blomenkamp. Esq.

Irene E. Blomenkamp (BLO016)

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April 2008, the foregoing was electronically filed with the Clerk of the Court and all counsel of record using the CM/ECF system.

/s/ Irene E. Blumenkamp
Of Counsel